

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ERIC WILLIAMS,)	Case No.:
)	
Plaintiff,)	JUDGE
)	
vs.)	
)	<u>Filed By:</u>
ENS 2 TRANS, INC., et al.,)	ENS 2 TRANS, INC., AND ARMIN
)	HUSAKOVIC
Defendants.)	
)	

DEFENDANTS' JOINT NOTICE OF REMOVAL

Defendants, ENS 2 Trans, Inc., and Armin Husakovic by and through counsel, hereby timely removes the proceeding, *Eric Williams v. ENS 2 Trans, Inc., et al.*, Case No. 22-CVC-080419, pending before the Court of Common Pleas for Delaware County, Ohio to the United States District Court, Southern District of Ohio, Eastern Division at Columbus pursuant to 28 U.S.C. §§ 1332, 1441(b), and 1446. The state action is removable under 28 U.S.C. §§ 1332 and 1441(b) because complete diversity of citizenship exists between Plaintiff and the Defendants, and it is facially evident from the Complaint that the amount in controversy exceeds \$75,000.00, exclusive of interest and costs. In support, ENS 2 TRANS, Inc., and Armin Husakovic aver the following:

PROCEDURAL HISTORY

1. Plaintiff Eric Williams commenced this civil action on August 11, 2022, which is now pending in the Court of Common Pleas for Delaware County, Ohio docketed Case No. 22-CVC-080419. Defendant ENS 2 TRANS, Inc. was served with the Summons and Complaint on August 17, 2022. (A true and accurate copy of the Summons and Complaint are attached hereto

as **Exhibit A.**) Armin Husakovic received a copy of the Summons and Complaint at a point in time after August 17, 2022.

2. In his Complaint, Plaintiff asserts negligence and negligent hiring claims against Defendants relating to a tractor trailer accident. Plaintiff seeks damages for alleged permanent injuries. Based on Plaintiff's Complaint, the amount in controversy, exclusive of costs and interest, is in excess of seventy-five thousand dollars (\$75,000.00), as Plaintiff alleges over \$206,000.00 in past medical expenses alone. *Complaint* at ¶ 14.

LEGAL STANDARD FOR REMOVAL

A. Removal Based on Diversity of Citizenship May Occur Where 1) the Plaintiff and Defendants are Citizens of Different States; and 2) the Amount in Controversy Exceeds \$75,000.00.

3. 28 U.S.C. § 1441(a) provides that "...any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants to the district court of the United States for the district and division embracing the place where such action is pending."

4. 28 U.S.C. § 1332(a)(1) provides that: "the district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000...and is between citizens of different States."

5. 28 U.S.C. § 1332(c)(1) provides that "a corporation shall be deemed a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business."

PLAINTIFF AND DEFENDANTS ARE CITIZENS OF DIFFERENT STATES

6. Plaintiff Eric Williams is deemed to be a citizen of the state in which he resides. The Complaint asserts that Mr. Williams is a resident of Adelanto, California.

7. Defendant ENS 2 Trans, Inc. was at the time of commencement of this action and is now a corporation duly created and organized by and under the laws of Kentucky with its principal place of business in Walton, Kentucky.

8. At the time of the subject accident, Defendant Faron-Edward Lund was a citizen of Texas. However, Defendant Lund has passed away, and as such, he has not been served in this matter.

9. Armin Husakovic is a citizen of Texas. Defendants were not and are not citizens of the State of California.

10. Consequently, Plaintiff and Defendants are diverse in citizenship as defined by 28 U.S.C. § 1441 and § 1446.

AMOUNT IN CONTROVERSY EXCEEDS JURISDICTIONAL MINIMUM

11. Plaintiff claims injuries and/or damages in excess of \$206,000.00 just in past medical expenses alone, which is more than the jurisdictional minimum of \$75,000.00. *Complaint* at ¶ 14.

REMOVAL IS TIMELY

12. This Notice of Removal is timely filed in this case within thirty (30) days after service of the Summons and Complaint on ENS 2 Trans, Inc. Summons was received by ENS 2 Trans, Inc. on August 17, 2022. (A true and accurate copy of the Docket is attached hereto as **Exhibit B.**) Summons was received by Armin Husakovic at a point in time after August 17, 2022.

ALL OTHER CONDITIONS PRECEDENT TO REMOVAL ARE SATISFIED

13. The United States District Court for the Southern District of Ohio, Eastern Division at Columbus, has been given original jurisdiction in this action pursuant to 28 U.S.C. § 1332, and removal is proper under 28 U.S.C. § 1441(a).

14. Written notice of the filing of this Notice of Removal will be given to all parties as required by law.

15. A true and accurate copy of this Notice of Removal will be filed with the Clerk of Courts for the Court of Common Pleas for Delaware County, Ohio and with the Clerk of Courts of the United States District Court for the Southern District of Ohio, Eastern Division at Columbus.

16. A true and correct copy of the Summons and Complaint that was served upon ENS 2 Trans, Inc. are attached as **Exhibit A**.

Based on the foregoing, this action is properly removed from the Court of Common Pleas for Delaware County, Ohio to the United States District Court for the Southern District of Ohio, Eastern Division at Columbus, for all further proceedings.

Respectfully submitted,

/s/ Jonathan M. Menuez

Jonathan M. Menuez (0064972)

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Armin Husakovic

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing *Notice of Removal* was electronically filed on September 14, 2022. Notice of this filing will be sent to all registered parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Jonathan M. Menez

Jonathan M. Menez (0064972)